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Swaziland*

The present report is a summary of 11 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. Human Rights Watch (HRW) mentioned that Swaziland had ratified the CRPD and its Optional Protocol and acceded to the OP-CRC-SC in 2012.[3]

2. Recalling that during its first Universal Periodic Review (UPR) in 2011,[4] Swaziland had accepted to consider acceding to OP-CEDAW and OP-CAT[5], HRW recommended that Swaziland ratify these two instruments.[6]

3. The International Commission of Jurists (ICJ) stated that although Swaziland had accepted in its first UPR,[7] to ratify the ICPPED; ICRMW and the Rome Statute of the International Criminal Court, there had been no progress in this regard.[8]

4. JS2 was concerned that Swaziland rejected in 2011,[9] UPR recommendations to accede to the ICCPR OP-2.[10]

5. Although Swaziland had agreed during its first UPR[11] to consider ratifying the Optional Protocols to the CRC, JS3 noted with regret that it had not yet done it.[12]

6. ICJ recommended that Swaziland become a party to, and implement into domestic law, regional and international human rights treaties to which it is not a party, including, among others the ICRMW, ICPPED[13], OP-CAT[14] and the Rome Statute of the International Criminal Court.[15] JS5 made a similar recommendation.[16]

2. Constitutional and legislative framework

7. ICJ stated that although a new Constitution containing a Bill of Rights had been adopted in 2005, constitutional rights were often not respected in practice, or were not interpreted and implemented consistently with regional and international human rights law and standards.[17]

8. HRW stated that although the Constitution provides for three separate organs of Government, all powers are vested in the king who appoints 20 members of the 30-member Senate, 10 members of the House of Assembly, and approves all legislation passed by Parliament.[18]

9. AI was concerned at the continued slow pace of bringing laws in line with constitutional and international human rights obligations.[19] JS4 noted that the ICCPR had not been specifically incorporated into domestic laws.[20]

10. AI noted that Swaziland had not taken steps to incorporate the country's obligations under the CAT, including by developing legislation which specifically defined and criminalized torture and stipulated effective measures to prevent and punish acts of torture.[21]

11. JS6 recommended that Swaziland criminalise torture; put in place effective measures to prevent and sanction the use of torture as well as ensure impartial and effective investigation in line with its obligations under the CAT.[22] AI made similar recommendations, highlighting that Swaziland had accepted to do so in its previous review.[23]

12. JS5 recommended that Swaziland incorporate into national laws the provisions of treaties that it had ratified.[24]

13. HRW recalled that during its previous UPR,[25] Swaziland had agreed to align its national legislation with international standards to guarantee freedom of assembly and association. However, according to HRW, the Government has intensified restrictions on these rights over the past four years.[26]

14. JS2 noted that civil and political rights continued to be compromised by legislations that were not aligned to the Constitution, including the Suppression of Terrorism Act 2008; Public Order Act 1963; Swaziland Administration Order 1998; Sedition and Subversive Activities Act (Act No 46 of 1938) and the King's Decree 1973.[27] HRW[28]; JS1[29] and JS5[30] made similar comments.[31]

15. AI recalled that during its first UPR,[32] Swaziland had agreed to repeal or urgently amend the Suppression of Terrorism Act of 2008 and other pieces of security legislation to bring them in line with international human rights. However, AI added that no steps had been taken to amend or repeal restrictive laws.[33]

16. JS5 recommended that Swaziland amend the Suppression of Terrorism and Sedition Acts to bring them in line with international human rights standards and amend national laws so as to lift the ban on political parties.[34] AI[35]; JS1[36]; JS2[37] and JS6[38] made similar recommendations. HRW also recommended that Swaziland repeal or amend the 1963 Public Order Act.[39]

17. Recalling that in 2011, it was recommended that Swaziland abrogate the legislative and regulatory provisions that discriminate against women,[40] JS6 mentioned that no such laws had been enacted.[41] JS5 stated that Swaziland still had to enact the Human Rights Commission Bill of 2011 and the Domestic Violence and Sexual Offences Bill of 2009.[42]

18. AI recommended that Swaziland urgently enact the Sexual Offences and Domestic Violence Bill.[43] Elizabeth Glaser Pediatric AIDS Foundation (EGPAF)[44] and JS6 made a similar recommendation.[45]

19. HRW stated that activists said that the Sexual Offences Bill, in its current form, would not effectively protect women's rights because it did not prohibit discrimination of women under Swazi law and custom.[46]

20. JS3 noted that even though Swaziland had enacted the Child Protection and Welfare Act in 2012 which was a step towards domesticating the CRC, the institutions and programmes proposed by the Swaziland National Youth Policy had not been established.[47]

21. JS3 recommended that Swaziland align the Child Protection and Welfare Act with international law as well as resuscitate the National Child Coordination Unit for better coordination, monitoring and evaluation of programmes targeted at children.[48]

3. Institutional and human rights infrastructure and policy measures

22. HRW stated that although in 2011, Swaziland had accepted recommendations to enact legislation to fully operationalize the Human Rights and Public Administration Commission (HRPAC),[49] to provide it with adequate funding, and to clarify its mandate; the Government had failed to take the necessary steps to fully operationalize the Commission, which remained ineffective. According to HRW, in its five years of existence, the HRPAC has not produced any report about its work or role.[50] JS2 made similar comments.[51]

23. JS2 stated that since 1985, the office of the Ombudsman had not been operational.[52]

B. Cooperation with human rights mechanisms

24. ICJ recommended that Swaziland implement decisions and recommendations of regional and international human rights mechanisms in respect of its obligations under international law.[53]

1. Cooperation with treaty bodies

25. JS2 mentioned that the initial report to the Human Rights Committee had been overdue since 2005.[54]

2. Cooperation with special procedures

26. AI recalled that during its first UPR,[55] a number of important recommendations had been rejected by Swaziland, including a standing invitation to UN Special Procedures.[56]

27. JS5 stated that in 2012 and 2015, Swaziland had received requests for visits from the Special Rapporteur on the independence of judges and lawyers and from the Special Rapporteur on the human right to safe drinking water and sanitation respectively, but neither of them had received an invitation. JS5 added that Swaziland had not invited the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression since the request made in 2003.[57]

28. JS1 recommended that Swaziland extend a standing invitation to the UN Special Procedures,[58] in particular to the Special Rapporteurs on human rights defenders; on freedom of expression; and on freedom of peaceful assembly and association.[59] HRW made similar recommendations.[60] JS5 recommended that Swaziland extend an invitation to the Special Rapporteurs on the independence of judges and lawyers and on the human right to safe drinking water and sanitation in accordance with their request.[61]

C. Implementation of international human rights obligations

1. Equality and non-discrimination

29. HRW noted that the Constitution does not include marital status or sexual orientation as a protected ground against discrimination.[62]

30. Stating that women, especially those living in rural areas under traditional leaders were often subjected to discrimination and harmful practices,[63] HRW recommended that Swaziland enact reforms to ensure equality for women and prevent their discrimination in law and practice, particularly under Swazi law and custom.[64]

31. EGPAF noted that there were several societal drivers of the HIV epidemic in Swaziland, including stigma and discrimination against persons living with HIV[65] as well as gender inequality and gender-based violence.[66] In addition, traditional practices that place women at a higher risk of HIV continue, including "wife inheritance" by a male relative of the deceased husband.[67]

32. EGPAF recommended that Swaziland make greater efforts to address stigma and discrimination, as well as gender inequality and gender-based violence as part of the national HIV/AIDS response, and take all appropriate measures to end traditional practices such as the "wife inheritance" and intergenerational sex.[68]

33. JS4 stated that the discrimination of lesbian, gay, bi-sexual, transgender and inter-sex (LGBTI) persons based on either actual or perceived sexual orientation or gender identity persisted and that same-sex sexual conduct between male persons was still criminalized.[69]

34. JS4 recommended that Swaziland ensure that discriminatory and invasive customary laws are abrogated as well as review the laws that undermine LGBTI persons' rights.[70] HRW recommended that Swaziland decriminalise same-sex relations.[71]

35. HRW recommended that Swaziland reconsider and commit to recommendations for reforms rejected during its first UPR,[72] including ensuring enjoyment of the right to health without discrimination on the basis of sexual orientation or gender identity; and prevention of discrimination based on marital status and sexual orientation.[73]

2. Right to life, liberty and security of the person

36. JS2 mentioned that there was currently a *de facto* moratorium on executions in Swaziland and that the last executions had taken place in 1983. However, the death penalty still existed.[74]

37. JS6 recalled that in 2011,[75] Swaziland did not accept several recommendations to accede to the ICCPR-OP 2 and abolish the death penalty.[76] It added that King Mswati III recently pardoned two death row inmates, commuting their sentences to life imprisonment.[77]

38. JS6 recommended that Swaziland abolish the death penalty.[78]

39. AI explained that according to the Constitution, lethal force could potentially be used in a range of circumstances, including defending property; making a lawful arrest; preventing the escape of a lawfully detained person or suppressing a riot. It added that these grounds were inconsistent with international human rights law on the use of force and firearms by law enforcement officials, and open to abuse.[79]

40. AI repeated its concerns that law enforcement officials used excessive force against peaceful demonstrators, used lethal force without justification against criminal suspects, and torture and other ill-treatment against arrested or detained persons. In some cases, such ill-treatment has resulted in deaths in custody. According to AI, there had been no proper investigations into and accountability for these cases.[80] JS2[81] and JS6[82] made similar comments.

41. AI recommended that Swaziland institute an urgent review of laws, regulations and procedures relating to the use of force and firearms by law enforcement officials and implement a process for the establishment of an independent and impartial body to oversee and investigate alleged human rights violations by the security forces.[83]

42. JS6 stated that since 2011, cases of mob justice, killings, and torture of persons usually suspected of witchcraft, or theft had been observed.[84] It added that torture and degrading punishment were also perpetrated by the army, in particular along the borderlines or informal crossings.[85]

43. According to AI, certain laws, such as the Suppression of Terrorism Act, increase the risk of torture, including by allowing detention without trial and not obliging the authorities to produce the detainee in court at any stage.[86] JS6 made similar comments.[87]

44. JS6 noted that there were numerous cases where citizen had been killed by game rangers for alleged poaching. According to the law, game rangers are immune from prosecution for killing suspected poachers and empowered to use firearm in the execution of their duties.[88] JS2 added that a parliamentary committee, appointed to investigate the alleged brutality of game rangers, had reported nine incidents of deaths and injuries against game rangers and 33 against suspected poachers.[89]

45. JS6 recommended that Swaziland amend the Game Act to allow for the prosecution of all perpetrators of extra-judicial killings and train game rangers on the importance of human rights.[90]

46. JS5 recommended that Swaziland immediately implement measures to prevent, investigate and prosecute all cases of torture as agreed during its previous UPR.[91]

47. JS5 noted that many of those charged with crimes in connection with the peaceful exercise of their rights to freedom of expression, association and assembly were also subjected to arbitrary arrests and detentions, prolonged pre-trial detention and unfair trials.[92]

48. JS5 recommended that Swaziland ensure access to justice and adequate redress for victims of arbitrary arrests and illegal detention and that those responsible for them be held accountable.[93]

49. JS4 noted that human rights abuses and violations against LGBTI persons continued to go undocumented, unreported and unprosecuted and added that these violations were legally perpetrated by State and non-State actors.[94]

50. JS4 recommended that Swaziland condemn utterances and other forms of hate speech by politicians and public officials and ensure prosecution of State agents who commit human rights violations against LGBTI individuals and their organizations.[95]

51. JS2 stated that detention centres and prison conditions were labelled to be below humane and liveable standards. Prisons are overpopulated; there is no separation between female detainees and convicts and female juveniles are held in adult correctional facilities.[96]

52. AI stated that women's right to equality was not protected by the provision guaranteeing that "a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed". According to AI, this formulation places an undue burden on the individual woman when it is the responsibility of the State to prohibit and condemn all forms of harmful practices which negatively affected women.[97]

53. HRW recommended that Swaziland fully enforce and implement the constitutional provisions that no woman shall be forced to take part in a custom which she objects to.[98]

54. Noting that gender based violence (GBV), particularly sexual violence,[99] was a growing problem in Swaziland,[100] JS6 recommended that Swaziland review all criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to both the survivor and the perpetrator.[101]

55. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) recalled that during its first UPR,[102] Swaziland had accepted a recommendation to raise awareness on alternatives to corporal punishment.[103] GIEACPC noted that the Children's Protection and Welfare Act 2012 included prohibition of corporal punishment as a sentence of the courts, but corporal punishment remained lawful in all other settings.[104] JS3 stated that corporal punishment by teachers was legal and routinely practiced.[105]

56. GIEACPC recommended that Swaziland clearly prohibit all corporal punishment of children in all settings including the home and explicitly repeal all legal defences for the use of corporal punishment in childrearing and education.[106] JS3 made a similar recommendation.[107]

57. JS3 stated that there was a growing trend of child and youth abuse by the State and parents purportedly in "the best interests of the child". It added that children and youth were illegally incarcerated in prison centres by parents in collaboration with the Commissioner of Correctional Services, who claimed that the children were unruly.[108]

3. Administration of justice, including impunity, and the rule of law

58. AI noted that since 2011, Swaziland had been experiencing a crisis in rule of law, affecting the protection of human rights and access to justice for victims of human rights violations.[109]

59. ICJ stated that since Swaziland's first UPR, the rule of law and the right to a fair trial had been severely weakened by the authorities.[110] According to ICJ, the judges' appointment process continues to pose a threat to judicial independence and impartiality[111] and some recent judicial appointments have given rise to concern about the lack of qualification of those appointed.[112] HRW noted that the King exercised control over the judiciary and appointed judges.[113]

60. Noting that the King was protected from any law suits and that anyone acting on his behalf was treated as above the law,[114] HRW recommended that Swaziland revise or amend legislation providing excessive powers to the King.[115]

61. JS5 stated that during Chief Justice Ramodibedi's tenure, a number of irregularities occurred in criminal proceedings, particularly those of a political nature. Irregularities included judges with a vested interest in a case refusing to recuse themselves, failure to provide written judgements and the apparent manipulation of the court roll to ensure cases are brought before certain judges.[116]

62. JS5 recommended that Swaziland ensure the independence of the judiciary, prosecute and punish those responsible for acts undermining the independence or impartiality of judicial proceedings as well as ensure that the rules relating to the appointment and removal of judges are in line with the Basic Principles on the Independence of the Judiciary.[117] AI[118], HRW[119], ICJ[120] and JS1[121] made similar recommendations.

63. ICJ recommended that Swaziland introduce and implement a case allocation and management system that is impartial and fair, removing direct control by the Chief justice or the ability of any single judicial officer to influence the allocation and management of cases.[122]

64. According to ICJ, although Swaziland accepted in its first UPR,[123] recommendations to put in place human rights training programmes for members of the judiciary and law enforcement officials, none of them have been implemented.[124]

65. ICJ recommended that Swaziland urgently develop a code of conduct for judges with a view to strengthening the integrity of the judiciary and improving the accountability of judges.[125] It also reiterated the recommendation to set up a training programme for members of the judiciary and law enforcement officials.[126]

66. AI stated that lawyers and independent-minded judges had been threatened with violence, arrest, prosecution and other forms of harassments as a consequence of their advocacy for the rule of law.[127]

67. JS5 recommended that Swaziland ensure that lawyers are not subjected to prosecution, sanctions or threats thereof for any action taken in accordance with recognized professional duties and raise awareness of the Basic Principles on the Role of Lawyers among lawyers, judges and prosecutors, by giving them periodically, appropriate mandatory education and training on the Principles.[128]

68. JS5 mentioned that in April 2015, the Anti-Corruption Commission had brought an application for an arrest warrant against Minister of Justice Shongwe; Chief Justice Ramodibedi; Judges Simelane and Annandale, as well as High Court Registrar Nhlabatsi for defeating the ends of justice. In May 2015, the charges against Annandale and Nhlabatsi were withdrawn and Chief Justice Ramodibedi was dismissed. Noting that in June 2015, seven acting judges had been appointed, JS5 raised concerns at the close family ties of the appointed judges and how this would affect the independence of the judiciary.[129] AI[130] and ICJ[131] made similar comments.

4. Right to privacy, marriage and family life

69. JS3 noted that the legal age of marriage was 18 years for both boys and girls, but, with parental consent and approval from the Minister of Justice, girls may marry at 16. It added that although the Deputy Prime Minister had spoken out against the traditional practice that permit marriages for girls as young as 13, civil law was generally not enforced to prevent it.[132]

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

70. JS1 stated that the rights to freedom of expression, association and assembly remained threatened and human rights defenders and civil society organisations were targeted for the work they do.[133] AI[134], HRW[135], JS2[136] and JS5[137] made similar comments.

71. JS1 mentioned that in 2012, the African Commission on Human and People's Rights had adopted a resolution on the human rights situation in Swaziland and had called on the Government to respect, protect and fulfil the rights to freedom of expression, association and assembly.[138]

72. JS1 was concerned at restrictions on freedom of expression, assembly and association on the basis of draconian colonial era laws and others promulgated by the authorities. Principally, these laws, which include the Sedition and Subversive Activities Act (1938) and the Suppression of Terrorism Act (2008), have been subjectively interpreted at various times to curb fundamental freedoms and convict and imprison human rights defenders and journalists.[139] AI[140], HRW[141] and JS5[142] made similar comments.

73. AI recommended that Swaziland remove all restrictions, in law and practice, which prevent the full enjoyment of the right to freedom of expression as guaranteed under the ICCPR and other international standards.[143] HRW[144], JS1[145] and JS5[146] made similar recommendations.

74. JS1 stated that regular threats emanating from the authorities and the royal family to journalists led to Government censorship and self-censorship by the media further curtailing democratic freedoms.[147] HRW made similar comments.[148]

75. AI mentioned that fourteen people were currently charged under the 2008 Suppression of Terrorism Act and the 1938 Sedition and Subversive Activities Act in five separate trials. The trials have all been postponed, pending the outcome of a constitutional challenge to the laws under which the charges were made.[149] JS5 made similar comments.[150]

76. JS1 recommended that Swaziland withdraw all charges against organisations and individuals under the Suppression of Terrorism Act and lift the restrictions that prevent them from carrying out their human rights activities. It also recommended examining charges against persons, organisations and movements under the Sedition and Subversives Activities Act with a view to annulling restrictions against them.[151]

77. JS2 noted that independent media was still almost non-existent as it was not legally recognized or allowed to operate. The Swaziland Broadcasting and Broadcasting Corporation Bills of 2010 have still not been passed five years after they were drafted. According to JS2, there is undue censorship of information particularly within the State-owned media house.[152]

78. JS1 recommended that Swaziland open up the environment in which the media operates to allow registration and operation of more independent newspapers and media houses.[153] JS2 made a similar recommendation.[154]

79. HRW mentioned that in March 2014, after Thulani Maseko, human rights lawyer and Bheki Makhubu, editor of the magazine *The Nation*, had published two articles

criticizing the judiciary; both were arrested, tried, and convicted of contempt of court. In July 2014, both were sentenced to two years in prison and in June 2015, the Supreme Court granted Maseko and Makhubu's appeal and ordered their release from prison.[155] AI[156], ICJ,[157] JS1,[158] JS2,[159] and JS5[160] made similar comments.

80. JS5 recommended that Swaziland respect, protect and promote the right to freedom of expression, in accordance with its undertaking during the 2011 UPR, including by ensuring that people are not arbitrarily arrested, detained or subjected to politically-motivated trials for the peaceful expression of their opinion and criticism of Government and the judiciary.[161] HRW[162] and JS1[163] made similar recommendations.

81. AI recalled that during its first UPR,[164] Swaziland agreed to create an enabling environment for civil society where citizens were free to exercise fully their rights to freedom of peaceful assembly and association.[165] JS1 made a similar comment.[166]

82. JS1 stated that the Public Order Act often had been used to curb freedom of assembly and prevent trade unions and other groups from holding peaceful protests.[167] It remained concerned that the authorities regularly suppressed peaceful demonstrations and noted that persons considered leaders of such protests had been arrested and subjected to judicial persecution.[168]

83. JS1 recommended that Swaziland allow all peaceful protests to take place and authorities should stop preventing demonstrations and adopt best practices on freedom of peaceful assembly prescribed by the United Nations Special Rapporteur on freedom of peaceful assembly and association.[169] JS1 also recommended that the Public Order Act be reviewed and its section 3 repealed which requires individuals or groups to seek permission from the police before they can hold protests.[170]

84. HRW explained that the Constitution does not address the formation or role of political parties. Swaziland practices an electoral system based on individual merit and excludes the participation of political parties in elections. According to HRW, traditional leaders and chiefs have powers to restrict access to their territories, and have often used these powers to bar civil society groups and political groups like the Ngwane National Liberatory Congress and PUDEMO from holding meetings, recruiting, or any kind of presence in their areas.[171] AI[172], JS1[173] and JS2[174] made similar comments.

85. JS1 stated that major political formations and unions had been banned by the authorities using harsh provisions of the Suppression of Terrorism Act.[175] It added that the 1938 Act criminalises spoken or published statements which have a "seditious intention", but the definitions of sedition were overly broad and had been subjectively interpreted by the authorities.[176] AI[177], HRW[178], JS2[179] and JS5[180] made similar comments.

86. JS5 noted that individuals had been charged with terrorism and sedition for participating in peaceful assemblies and/or associating with political parties, especially the People's United Democratic Movement (PUDEMO) and the youth wing of PUDEMO, the Swaziland Youth Congress. Two other parties, the South African-based Swaziland Solidarity Network and the Swaziland People's Liberation Army also remained branded as terrorist entities.[181] JS1 made similar comments.[182]

87. JS5 recommended that Swaziland respect the rights of all its citizens to freedom of assembly and freedom of association, particularly by allowing labour, political and civil groups to assemble peacefully, free from Government interference and ensure that political parties, organisations and associations with peaceful objective are not labelled terrorist groups merely because they are critical of the Government.[183] AI[184], JS1[185] and JS2[186] made similar recommendations. HRW recommended that Swaziland revoke the king's 1973 decree on political parties and allow the registration and operation of political parties, and introduce multi-party democratic elections.[187] JS5 made a similar recommendation.[188]

88. JS1 stated that the Government had refused to recognise the registration of the Trade Union Congress of Swaziland (TUCOSWA).[189] AI noted that TUCOSWA had been finally registered in May 2015.[190]

89. JS2 noted that the Government was working on a Tinkhundla and Regional Administration Bill of 2010 that had negative effects for civil society organisations in terms of their access to communities at grass-root levels.[191]

90. JS1 was concerned that human rights activists had been arrested and persecuted for the work and others have been threatened by senior government officials including by the Prime Minister.[192] JS2 noted that human rights activists continue to leave the country to seek refuge, escaping from arrest and torture by the police.[193]

91. JS1 recommended that Swaziland investigate all cases of intimidation of civil society activists and human rights defenders and allow human rights defenders to carry out their activities without restrictions and without the threat of being reprimanded and charged under the Sedition and Suppressive Activities Act and the Suppression of Terrorism Act.[194]

92. JS3 was concerned that government agencies and the police had unleashed hostility and intimidation *vis-a-vis* youth formations, and that the Ministry for the Youth had rebuffed any youth formation outside the SNYC.[195]

93. JS4 stated that owing to laws combined with social stigma and prejudices, LGBTI organisations were not able to register and operate freely.[196]

94. JS1 recommended that Swaziland register all labour unions and recognise their legitimacy in catering to the rights of workers as well as respect the right of all Swazis to form associations and belong to groups in line with constitutional provisions and international human rights.[197]

6. Right to social security and to an adequate standard of living

95. JS3 stated that Swaziland seemed to be regressing in terms of its commitment to improving the rights of children and youth. It added that the Government did not have any social services for children from evicted families, children with disabilities, children living with HIV/AIDS, child headed households, and children in poverty.[198]

7. Right to health

96. EGPAF stated that Swaziland had the highest HIV prevalence rate in the world, with almost 28 percent of persons of 15 and older living with HIV. According to EGPAF, Swaziland has shown remarkable political commitment to ending the HIV/AIDS epidemic, and was close to achieving elimination of mother-to-child transmission of HIV.[199] Noting that women and children suffered heavily from HIV in Swaziland,[200] EGPAF explained that prevention would require societal behavioural changes and the intensification of education and awareness-raising among all parts of the population.[201]

97. EGPAF recommended that Swaziland continue to provide significant financial support for the national HIV/AIDS response; ensure sufficient numbers of properly trained health care workers and take further steps to improve access to high-quality, age-appropriate sexual and reproductive health care education and services.[202]

98. Noting that the HIV/AIDS prevalence among the youth was very high, JS3 was concerned that health workers contributed to worsening the problem due to hostility and negative attitudes towards young people seeking health services related to sexual reproductive health services.[203]

99. JS4 stated that Swaziland had taken measures to ensure that there was universal access to care and treatment with special focus on women. It added that these HIV

strategies had not been holistic in addressing all vulnerable populations and that the LGBTI population had been left in the fringes with little or no targeted programmes.[204]

100. JS4 recommended that Swaziland ensure equal access to general health care and HIV/AIDS prevention, testing, treatment and care services in the public domain for LGBTI persons as well as work to make transition related and gender affirming health care accessible and affordable for transgender and intersex persons.[205]

101. JS3 noted that unsafe and illegal abortions still continue to put young people at risk, often leading to deaths. According to the Ministry of Health and Social Welfare, illegal abortions amount to 19 percent of maternal mortality rates. Abortion in Swaziland is criminalised, but may be permitted under certain conditions.[206]

8. Right to education

102. JS3 noted that the quality of education needed to be improved, including of infrastructures, and the number of trained and qualified teachers and funds to cover all expenses for children be increased. Nonetheless, statistics show that the enrolment of grade one students who graduated from primary school has increased from 59.8 per cent in 2007 to 77.9 per cent in 2014.[207]

103. JS3 stated that Government offered tuition fees and basic stationery for orphaned and vulnerable children from primary up to high school. According to JS3, this effort is welcome though very limited and does not comprehensively cover all school necessities such as uniforms for the children.[208]

104. JS3 stated that girl children were often discriminated against and this was reflected in school enrolment ratio with girls at 47 per cent against 53 per cent boys.[209]

105. JS3 recommended that Swaziland standardise tuition fees in public schools to curb the issue of top-up fees which renders education inaccessible and unaffordable for some sections of the society and ensure quality and relevant education at primary, high school and at tertiary level.[210]

106. JS3 stated that children with disabilities remained side-lined in terms of specialised social services; but the Government had managed to accommodate the needs of these children in terms of education.[211]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London, UK;
EGPAF	Elizabeth Glaser Pediatric AIDS Foundation, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
HRW	Human Rights Watch, New York, USA;
ICJ	International Commission of Jurists, Geneva, Switzerland.

Joint submissions:

JS1	Joint submission 1 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa; and Lawyers for Human Rights, Swaziland;
JS2	Joint submission 2 submitted by: Swaziland Multi-Media Community Network, Swaziland Concerned Church Leaders, Swaziland Coalition of Concerned Civic Organisations and Constituent Assembly-Swaziland; Swaziland;
JS3	Joint submission 3 submitted by: SOS-Swaziland; Super Buddies; Prison Fellowship, Luvatsi-Swaziland Youth Empowerment Organisation; Swaziland;
JS4	Joint submission 4 submitted by: Rock of Hope (RoH), Swaziland; Iranti.Org.South Africa; Gender DynamiX.South Africa; Pan Africa ILGA.South Africa
JS5	Joint submission 5 submitted by: The Southern Africa Litigation Centre (SALC); Lawyers for Lawyers Foundation (L4L); International Bar Association's Human Rights Institute; Judges for Judges (J4J);
JS6	Joint submission 6n submitted by: Swaziland Coalition of Concerned Civic Organisations (SCCCO): Coordinating Assembly of Non-governmental Organisations (CANGO); Coalition of the Informal Economy Associations of Swaziland (CIEAS); Federation of the Swaziland Business Community (FSBC); Legal Assistance Centre (LAC); Luvatsi Swaziland Youth Empowerment Organisation; Media Institute of Southern African (MISA); Swaziland Agricultural and Plantation Workers Union (SAPWU); Swaziland National Association of Teachers (SNAT); and Women and Law in Southern Africa (WLSA) Swaziland.

[2] The following abbreviations are used in UPR documents:

ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] HRW, p. 1. See also JS5, p. 1.
[4] A/HRC/19/6/Add.1, p. 2.
[5] See also ICJ, para. 16; JS2, para. 1 ; JS5, p. 4 and JS6, para. 13.
[6] HRW, p. 1 and p. 5.
[7] A/HRC/19/6/Add.1, p. 2.
[8] ICJ, para. 16.
[9] A/HRC/19/6/Add.1, p. 4.
[10] JS2, para. 1. See also JS5, p. 4 and JS6, para. 9.
[11] A/HRC/19/6, p. 13.
[12] JS3. p. 1. See also JS5, p.4.
[13] ICJ, para. 25.
[14] See also JS6, para. V.
[15] ICJ, para. 24.
[16] JS5, p. 10.
[17] ICJ, para. 2. See also AI, p. 2.
[18] HRW, p. 4.
[19] AI, p. 2.
[20] JS4, p. 2.
[21] AI, p. 3. See also JS6, para. 13.
[22] JS6, para. V.
[23] AI, p. 3. See also JS6, para. 13.
[24] JS5, p. 11.
[25] A/HRC/19/6/Add.1, p. 4.
[26] HRW, p. 1.
[27] JS2, para. 2.
[28] HRW, pp. 1 and 2.
[29] JS1, paras 2.2, 2.3 and 2.4.
[30] JS5, pp. 4 and 5.
[31] HRW, pp. 1 and 2.
[32] A/HRC/19/6/Add.1, p. 6.
[33] AI, p. 1.
[34] JS5, p. 11.
[35] AI, p. 6.
[36] JS1, para. 7.1.
[37] JS2, para.4.
[38] JS6, para. V.
[39] HRW, p. 3.
[40] A/HRC/19/6/Add.1, p. 2.
[41] JS6, para. 20.
[42] JS5, p. 4.
[43] AI, p. 6.
[44] EGPAF, para. V.
[45] JS6, para. 21.
[46] HRW, p. 5.
[47] JS3, para. 1. See also JS5, p.4.
[48] JS3, para. 3.
[49] A/HRC/19/6, pp. 13-14.
[50] HRW, p. 4.
[51] JS2, para. 3.
[52] JS2, para. 3.

[53] ICJ, para. 26.
[54] JS2, para. 1.
[55] A/HRC/19/6/Add.1, p. 5.
[56] AI, p. 1. See also JS2, para. 1.
[57] JS5, p.4.
[58] See also JS5, p. 11.
[59] JS1, para. 7.6.
[60] HRW, p. 4.
[61] JS5, p. 10.
[62] HRW, p. 5. See also AI, p. 3.
[63] HRW, p. 5.
[64] HRW, p. 6.
[65] EGPAF, para.8.
[66] EGPAF, para.23. See also EGPAF, paras 3 and 8.
[67] EGPAF, para.25.
[68] EGPAF, para. V.
[69] JS4, p. 3.
[70] JS4, p. 6.
[71] HRW, p. 6.
[72] A/HRC/19/6, p. 21, and A/HRC/19/6/Add.1, p. 5.
[73] HRW, p. 6.
[74] JS2, p. 8. See also JS6, p. 3.
[75] A/HRC/19/6/Add.1, p. 4.
[76] JS6, para. 9.
[77] JS6, para. 11.
[78] JS6, para. 12.
[79] AI, p. 3.
[80] AI, p. 5.
[81] JS2, pp. 6, 7 and 8.
[82] JS6, paras 14, 16 and 17.
[83] AI, p. 6.
[84] JS6, para. 14.
[85] JS6, para. 15.
[86] AI, p. 5.
[87] JS6, para. 16.
[88] JS6, para. 18.
[89] JS2, p. 7.
[90] JS6, para. 19.
[91] JS5, p. 11. See A/HRC/19/6/Add.1, p. 5.
[92] JS5, p. 7.
[93] JS5, p. 11.
[94] JS4, p. 5.
[95] JS4, p. 6.
[96] JS2, p. 6.
[97] AI, p. 3.
[98] HRW, p. 6.
[99] See also EGPAF, para. 21.
[100] JS6, para. 20.
[101] JS6, para. 21.
[102] A/HRC/19/6, p. 15.
[103] GIEACPC, para. 1.1.
[104] GIEACPC, para. 1.2.
[105] JS3, p. 5.
[106] GIEACPC, para. 1.3.
[107] JS3, p. 9.
[108] JS3, p. 6.

[109] AI, p. 2.
[110] ICJ, para. 3.
[111] ICJ, para. 4. See also JS2, p. 9.
[112] ICJ, para. 6.
[113] HRW, p. 4.
[114] HRW, p. 4. See also ICJ, p. 2.
[115] HRW, p. 5.
[116] JS5, p. 8. See also JS2, p. 9.
[117] JS5, pp. 11-12.
[118] AI, p. 6.
[119] HRW, p. 5.
[120] ICJ, paras 18 and 19.
[121] JS1, para. 7.3.
[122] ICJ, para. 23.
[123] A/HRC/19/6, p. 15.
[124] ICJ, para. 17.
[125] ICJ, para. 20.
[126] ICJ, para. 21.
[127] AI, p. 4.
[128] JS5, p. 12.
[129] JS5, p. 9.
[130] AI, p. 2.
[131] ICJ, para. 14.
[132] JS3, p. 5.
[133] JS1, para. 1.5.
[134] AI, p. 1.
[135] HRW, pp. 2 and 3.
[136] JS2, p.4.
[137] JS5, p. 4.
[138] JS1, para. 2.1.
[139] JS1, para. 1.6. See also JS1, 2.2.
[140] AI, pp. 1, 2 and 4.
[141] HRW, p. 3.
[142] JS5, p.6.
[143] AI, p. 1.
[144] HRW, p. 3.
[145] JS1, paras 7 and 7.1.
[146] JS5, p. 11.
[147] JS1, para. 3.1.
[148] HRW, p. 3.
[149] AI, p. 4.
[150] JS5, pp.5 and 6.
[151] JS1, para. 7.2.
[152] JS2, p. 4.
[153] JS1, para. 7.2.
[154] JS2, p. 10.
[155] HRW, p. 3.
[156] AI, p. 4.
[157] ICJ, paras 10-12.
[158] JS1, para. 3.4. See also paras 3.2 and 3.3.
[159] JS2, p. 4.
[160] JS5, p. 10.
[161] JS5, p. 11.
[162] HRW, p. 4.
[163] JS1, para. 7.2.
[164] A/HRC/19/6/Add.1, p. 4.

165 AI, p. 1.
166 JS1, para. 1.4. See also HRW, p. 1.
167 JS1, para. 2.3.
168 JS1, para. 5.1.
169 JS1, para. 7.4.
170 JS1, para. 7.2.
171 HRW, p. 2.
172 AI, p. 2.
173 JS1, para. 1.7. See also paras 5.1 to 5.5.
174 JS2, p. 5.
175 JS1, para. 2.2.
176 JS1, para. 2.4.
177 AI, p. 3.
178 HRW, p. 3.
179 JS2, p. 2. See also JS2, p. 5.
180 JS5, p.6.
181 JS5, p. 6.
182 JS1, para. 6.1. See also paras 4.4 and 5.3.
183 JS5, p. 11.
184 AI, p. 6.
185 JS1, para. 7.4.
186 JS2, p. 10.
187 HRW, p. 2.
188 JS5, p. 11.
189 JS1, para. 6.2.
190 AI, p. 5. See also JS2, p. 3.
191 JS2, p.4.
192 JS1, para. 4.1. See also paras 4.2 and 4.3.
193 JS2, p. 5.
194 JS1, para. 7.3.
195 JS3, para. 3. See also JS2, p. 5.
196 JS4, p. 4.
197 JS1, para. 7.5.
198 JS3, p. 1.
199 EGPAF, para. 2.
200 EGPAF, para. 9. See also JS4, p. 5.
201 EGPAF, para. 13. See also EGPAF, paras. 11 and 12.
202 EGPAF, para. V.
203 JS3, p. 7.
204 JS4, p. 5.
205 JS4, p. 6.
206 JS3, pp. 7 and 8.
207 JS3, p. 4.
208 JS3, p. 3.
209 JS3, p. 4.
210 JS3, pp. 8 and 9.
211 JS3, p. 3.